

Entered - 11-21-02- sb
CL 02L0844 GWENDOLYN BURNS

CLAIM OF: **PETER HOLMES**
5095 River Valley Drive
Smyrna, Georgia 30082

03-*R*-1138

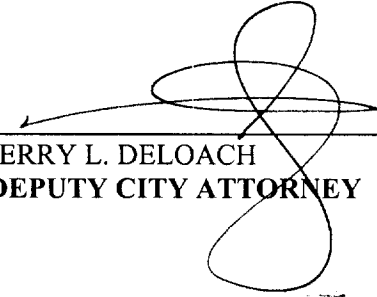
For property damages alleged to have been sustained from a sewer excavation project on July 11, 2002 at 1000 Rice Street, NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

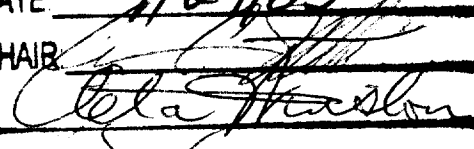
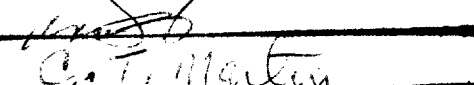
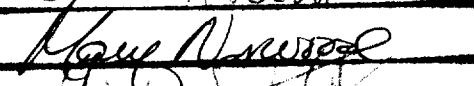
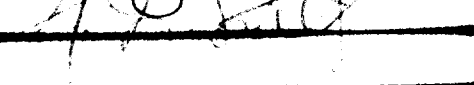

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **PETER HOLMES** the sum of **\$950.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained from a sewer excavation project on July 11, 2002 at 1000 Rice Street, NW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.


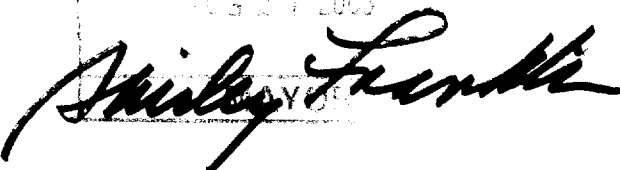
APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

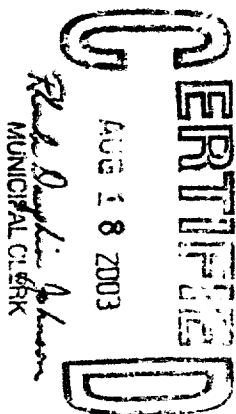
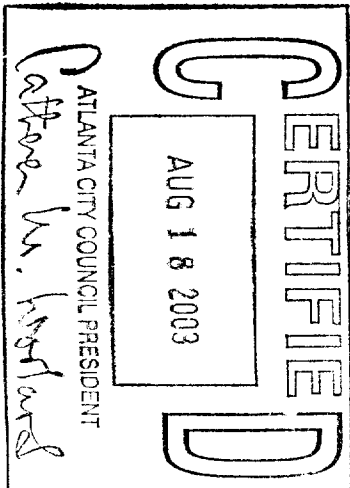
ADOPTED BY
AUG 18 2003
COUNCIL

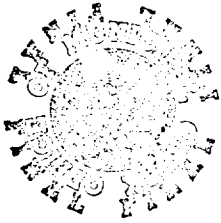
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COMM: Public Safety
DATE: 7/29/03
CHAIR: 






AUG 21 2003






**MUNICIPAL CLERK
ATLANTA, GEORGIA**

03-R-1138

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Peter Holmes** in the sum of **\$950.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained from a sewer excavation project on **July 11, 2002 at 1000 Rice Street, NW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughen Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
APPROVED by the Mayor**

AUG 18, 2003
AUG 21, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0844

Date: July 14, 2003

Claimant /Victim PETER HOLMES
BY: (Atty) (Ins. Co.) _____
Address: 1000 Rice Street, NW, Atlanta, Georgia 30318
Subrogation: _____ Claim for Property damage \$ 950.00 Personal Injury \$ _____
Date of Notice: 11/12/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/11/02 Place 1000 Rice Street, NW
Department WATERSHED MANAGEMENT Division _____ Sewer Operations _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained property damage when his water line was ruptured twice by sewer crews during a major sewer main excavation project on Rice Street. An investigation determined that a sewer crew caused damage to the water line but failed to notify claimant or the City supervisor of the damaged line.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR- GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 950.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2P01 _____ 2H01 _____
Claims Manager:  Concur/date 07-16-03
Committee Action: _____ Council Action _____

RCS# 4947
8/18/03
2:06 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS. 1-11, EXCEPT:03-R-1165,
03-R-1170, 03-R-1171,03-R-1172,03-R-1210
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 4948
8/18/03
2:07 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I
03-R-1170, 03-R-1171, 03-R-1172, 03-R-1210
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	B Archibong	Y Moore	A Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		8/18/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1105 2. 03-O-0720 3. 03-O-0780 4. 03-R-1169 5. 03-R-1197 6. 03-R-1198 7. 03-R-1199 8. 03-R-1200 9. 03-R-1201 10. 03-R-1168 11. 03-R-1170 12. 03-R-1171 13. 03-R-1172 14. 03-R-1209 15. 03-R-1210 16. 03-R-1173 17. 03-R-1174 18. 03-R-1184 19. 03-R-1189 20. 03-R-1190 21. 03-R-1211 22. 03-R-1194 23. 03-R-1195 24. 03-R-1196 25. 03-R-1176 26. 03-R-1177 27. 03-R-1178 28. 03-R-1179 29. 03-R-1180 30. 03-R-1192	31. 03-R-1138 32. 03-R-1139 33. 03-R-1140 34. 03-R-1141 35. 03-R-1142 36. 03-R-1143 37. 03-R-1144	38. 03-R-1145 39. 03-R-1146 40. 03-R-1147 41. 03-R-1148 42. 03-R-1149 43. 03-R-1150 44. 03-R-1151 45. 03-R-1152 46. 03-R-1153 47. 03-R-1154 48. 03-R-1155 49. 03-R-1156 50. 03-R-1157 51. 03-R-1158 52. 03-R-1159 53. 03-R-1160 54. 03-R-1161 55. 03-R-1162 56. 03-R-1163 57. 03-R-1164

Consent I Vote: 13 Yeas; 0Nays: (See RCS #4947)

Items Removed from the Consent Agenda: 03-R-1165; Mitchell abstained on 03-R-1170; 03-R-1171; 03-R-1172; & 03-R-1210